

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:)	
)	CASE NO. 10-64566
JAMES D. PACE)	
HEATHER M. PACE)	CHAPTER 13
)	
DEBTORS.)	JUDGE KENDIG

OBJECTION TO PROOF OF CLAIM

Now come Debtors, James D. Pace and Heather M. Pace, by and through counsel, and objects to Claim Number 1 of Ally Financial, PO Box 130424, Roseville, MN 55113. Said Claim was filed on November 1, 2010, in the amount of \$23,306.75 at contract rate of interest, being 10.84%. Debtors contend that the interest rate allowed on said claim should be 5.25%. This rate is fair to creditor and enables the feasibility of Debtor's plan pursuant to *Till v. SCS Credit Corp*, 541 U.S. 465 (2004).

Accordingly, Debtor requests that the claim be allowed in the amount of \$23,306.75 and that the rate of interest be 5.25%.

Respectfully submitted,

/s/ R. Joshua Brown
R. Joshua Brown [0008452]
Attorney for Debtors
32 Lutz Avenue
Lexington, OH 44904
T:419-884-0655/F:419-884-3416
bk-rbrown@neo.rr.com

CERTIFICATE OF SERVICE

The undersigned certifies that the Objection to Claim was electronically transmitted on or about December 14, 2010 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Toby L. Rosen
lweir@chapter13canton.com

The undersigned further certifies that the Objection to Claim was served the 14th day of December, 2010, by ordinary U.S. Mail, postage prepaid, on the following parties:

Ally Financial
PO Box 130424
Roseville, MN 55113

James and Heather Pace
1174 Chew Road
Mansfield, OH 44903

/s/ R. Joshua Brown
R. Joshua Brown [0008452]
Attorney for Debtors
32 Lutz Ave
Lexington, OH 44904
T: 419-884-0655 / F: 419-884-3416
bk-rbrown@neo.rr.com

NOTICE OF OBJECTION TO CLAIM

Attorney R. Joshua Brown has filed papers with the Court making an Objection to Claim. *Your rights may be affected.* You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to approve the Objection to Claim or if you want the Court to consider your views on the Objection, then on or before **JANUARY 13, 2011**, you or your lawyer must file a written response with the Bankruptcy Court explaining your position, at:

Clerk of Courts
US Bankruptcy Court
Northern District
Ralph Regula Federal Bldg. & US Courthouse
401 McKinley Avenue SW
Canton, Ohio 44702

If you mail your request to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to:

Toby L. Rosen, Trustee
Charter One Bank Bldg.
400 W Tuscarawas Street, 4th Fl
Canton, Ohio 44702

US Trustee
BP America Bldg.
200 Public Square 20th Floor
Suite 3300
Cleveland, Ohio 44114-2301

R. Joshua Brown
Attorney for Debtors
32 Lutz Avenue
Lexington, Ohio 44904

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Objection to Claim and may enter an Order granting that relief.

Date: 12/14/2010

/s/ R. Joshua Brown
R. Joshua Brown (0008452)
Attorney for Debtors